

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JERRY LEE JOHNSTON JR.,

Plaintiff(s),

CASE NUMBER: 94-90045

HONORABLE VICTORIA A. ROBERTS

v.

UNITED STATES OF AMERICA,

Defendant(s).

_____ /

ORDER

On June 27, 2008, the Court denied Plaintiff's "Motion to Vacate and Dismiss Prior Criminal Charge" because it believed Plaintiff was requesting a pardon. (Doc. #30). Plaintiff does not indicate his grounds for relief, but asks the Court to reconsider its decision. (Doc. #31).

Eastern District of Michigan Local Rule 7.1(g)(3) provides for reconsideration if the movant demonstrates a palpable defect by which the court and the parties have been misled, and further demonstrates that correcting the defect will result in a different disposition of the case. "A 'palpable defect' is a defect which is obvious, clear, unmistakable, manifest, or plain." *Fleck v. Titan Tire Corp.*, 177 F.Supp.2d 605, 624 (E.D. Mich. 2001). "[T]he court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication." L.R. 7.1(g)(3).

No palpable defect exists. After reviewing Plaintiff's motion for reconsideration, the Court still construes his motion as a pardon request. Because the Court does not

have the authority to issue pardons, Plaintiff's motion for reconsideration is **DENIED**.

IT IS ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: August 5, 2008

The undersigned certifies that a copy of this document was served on the attorneys of record and pro se plaintiff by electronic means or U.S. Mail on August 5, 2008.

s/Carol A. Pinegar

Deputy Clerk